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**IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR**

**W.P.NO.2828/2006** **SINGLE BENCH**

**PETITIONER:**

Ku. Basant Kumar,
S/O. Late Shri Bairi Singh ,
Aged about 32 years
R/o Village- Khepada ,Tah. & P.S.
Basna Distt. Mahasamund (C.G.)
Occupation –Shiksha -karmi
Grade -III Govt. Primary School,
Khavaspali, Block- Basna
Distt.- Mahasamund (C.G. )

RECEIVED-COPY
CLERK HIGH COURT BILASPUR
29/5/06

**VERSUS**

**RESPONDENTS:**

[1] State of C.G.
Through, Secretary,
Panchayat and Rural Development
Department D.K.S. Bhawan
Mantralaya ,District Raipur (C.G.)

(2) Chief- Executive -Officer
District Panchayat Mahasamund
Chhattisgarh

(3) District- Education -Officer
Mahasamund (C.G.)

(4) Chief- Executive- Officer
Janpad Panchayat Basna
District -Mahasamund (C.G.)

(5) Block- Education- Officer
Block- Basna ,Distt.- Mahasamund
Chhattisgarh

Roll No. 2737/06
Presented by Shri U.P. Dhruw
dated 29/5/06

**WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORERI ETC OR ANY OTHER DIRECTIONS OR ORDER TO DO JUSTICE IN THE MATTER.**

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** WP 2828/06 **सन् 200**

(66)

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | **19.6.2006**<br>Heard Shri Uttam Pandey, counsel for the petitioner.<br>Shri Ashutosh Singh Kachhawaha, Govt. Advocate for respondents No.1, 3 & 5.<br>By this petition the petitioner has questioned the propriety of the order dated 6.5.2006 (Annexure P-1) to the extent that after promoting the petitioner she has been transferred at a distant place i.e. 120 kms away from her present place of posting and that transfer has been made on account of bias of respondent No.5 because along with her about 32 male and 14 female teachers were promoted from Grade III to Grade II and they have posted within the range of 10 kms, whereas, the petitioner has been posted at the distance of 120 kms on account of bias of respondent No.5, which is evident from the record.<br>In the circumstances, learned counsel for the petitioner submitted that against this order the petitioner has already made a representation to respondent No.2 and that has not been decided so far, therefore, respondent No.2 be directed to decide the representation, to which learned counsel for respondent No.1, 3 & 5 has no objection.<br>Having heard learned counsel for the parties and having perused the record, the prayer made by learned counsel for the petitioner appears to be just, fair and reasonable. The grounds raised in this petition for cancellation of the transfer is that the same has been made on account of bias of respondent No.5 i.e. Block Education Officer and in support of the allegation certain documents have also been annexed and one of them is Annexure P-16 at Page 39 | |

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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**मामला क्रमांक ..... सन् 200**

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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of the petition, which shows that earlier respondent No.5 even abused the petitioner and ultimately a compromise was entered into between the petitioner and respondent No.5 herein. Further that out of total 46 teachers only the petitioner has been posted at such a distant place that too the petitioner is a female employee.

In the circumstances, respondent No.2 is directed to ascertain the correctness of allegations of the petitioner against respondent No.5 and thereafter decide the representation of the petitioner on its own merit in accordance with law after considering the points raised by the petitioner within a period of 30 days from today. The petitioner is directed to submit a copy of representation along with petition and documents annexed with this petition to respondent No.2 within four days from today.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.2142/06 and I.A. No.5590/06 also stand disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

Roshan/-